

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CITIMORTGAGE, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 4:09 CV 1909 DDN
)	
JUST MORTGAGE, INC.,)	
)	
Defendant.)	

MEMORANDUM

Following the disposition of plaintiff's claims through summary judgment, plaintiff Citimortgage, Inc., requested an entry of final judgment against defendant Just Mortgage, Inc., in the amount of \$8,806,276.82, under Fed. R. Civ. P. 58(d).¹ (Doc. 224.)

In response, defendant did not contest the entry of such a judgment but requested clarification as to whether plaintiff sought to recover from defendant the amount of \$8,806,276.82 without conveying the subject loans to defendant after recovering the judgment. (Doc. 240.)

Plaintiff replied that it does not seek to retain the loans following defendant's payment of the monetary damages and requests judgment in accordance with Section 11 of the Correspondent Agreement Form 200. (Docs. 241, 29-1.) Section 11 states that defendant must pay the repurchase price to plaintiff for defective loans upon plaintiff's request. Section 11 further states:

If such defective Loan is owned by [plaintiff] at the time of repurchase by [defendant], [plaintiff] shall, upon receipt of the Repurchase Price, release to [defendant] the related mortgage file and shall execute and deliver such instruments of transfer or assignment, in each case without recourse of warranty, as shall be necessary to vest in [defendant] or its designee title to the repurchased Loan.

(Doc. 29-1 at 5.)

¹ In this pleading, plaintiff withdrew its prayer for attorneys' fees and prejudgment interest. (Doc. 224.)

Plaintiff requests the repurchase prices of twenty-seven defective loans identified in its amended complaint. (See Doc. 29.) Therefore, defendant must pay to plaintiff the repurchase prices in the aggregate amount of \$8,806,276.82, and plaintiff must release to defendant the loans in accordance with Section 11 of the Correspondent Agreement Form 200. An appropriate Judgment Order is issued herewith.

/S/ David D. Noce
UNITED STATES MAGISTRATE JUDGE

Signed on March 21, 2013.